

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DAVID W. HORNER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-07-894-M
	)	
MICHAEL J. ASTRUE,	)	
Commissioner of the Social	)	
Security Administration,	)	
	)	
Defendant.	)	

**ORDER**


On September 2, 2008, United States Magistrate Judge Shon T. Erwin issued Findings & Recommendation in this action brought pursuant to 42 U.S.C. § 405(g) for judicial review of the final decision of the Commissioner of the Social Security Administration (“Commissioner”) denying plaintiff’s application for disability insurance benefits under 42 U.S.C. §§ 416(i) and 423. The Magistrate Judge recommended the Commissioner’s decision be reversed and remanded for further administrative proceedings. The parties were advised of their right to object to the Findings & Recommendation by September 22, 2008. A review of the file reveals no objection has been filed.

Upon de novo review, the Court:

- (1) ADOPTS the Findings & Recommendation issued by the Magistrate Judge on September 2, 2008;
- (2) REVERSES the decision of the Commissioner;
- (3) REMANDS for further administrative proceedings consistent with the Findings & Recommendation; and

- (4) ORDERS that judgment issue forthwith in accordance with the provisions of sentence four of 42 U.S.C. § 405(g).

**IT IS SO ORDERED this 3rd day of October, 2008.**

  
VICKI MILES-LAGRANGE  
UNITED STATES DISTRICT JUDGE